

Proposal to make VAST available in the Mildura/Sunraysia TV1 licence area

Consultation paper

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Executive summary

We are consulting on making a declaration under subsection 130ZH(1) of the *Broadcasting Services Act 1992* (BSA) in relation to the Mildura/Sunraysia TV1 licence area.

On 30 June 2024, the Mildura Digital Television Pty Ltd (MDT) ceased providing commercial television broadcasting services. MDT held a commercial television broadcasting licence under which it broadcast the Network Ten channels 10, 10 Bold and 10 Peach. Together, these are the Network Ten commercial television broadcasting services.

Since 1 July 2024, the Network Ten commercial television broadcasting services are no longer available terrestrially in the Mildura/Sunraysia TV1 licence area.

We consider this may mean that the number of commercial television broadcasting services being provided terrestrially in Mildura is 'deficient' under paragraph 130ZH(1)(a) of the BSA.

If so, we are required to declare the Mildura/Sunraysia TV1 licence area a service-deficient area under subsection 130ZH(1) of the BSA.

The effect of making the declaration would be that viewers in the Mildura/Sunraysia TV1 licence area are eligible to access commercial television broadcasting services via the Viewer Access Satellite Television (VAST) service.

We welcome feedback from stakeholders on whether the number of commercial television broadcasting services in the Mildura/Sunraysia TV1 licence area is deficient.

Introduction

VAST service

Some Australians live in areas where they are unable to receive all the television services provided by national broadcasters and the commercial television networks through terrestrial transmissions.

This could be because they live in areas without reliable reception or because a television service has ceased operating in their area.

These people may be eligible to receive television services via satellite. The VAST service provides satellite delivery of free-to-air (FTA) television to households unable to receive reliable local terrestrial transmissions, and to travellers with mobile satellite reception equipment.

Viewers of the VAST service have access to commercial and national (ABC and SBS) television broadcasting services via Optus's digital satellite platform.

Commercial VAST television services are provided by joint venture companies formed by the broadcasters licensed under section 38C of the BSA to supply commercial FTA television services in one of 3 satellite TV licence areas:

- South Eastern Australia TV3, covering New South Wales, Victoria, Tasmania, South Australia, Australian Capital Territory, Norfolk Island, Jervis Bay Territory.
- Northern Australia TV3, covering Queensland, Northern Territory, Coral Sea Islands Territory.
- Western Australia TV3, covering Western Australia, Christmas Island and Cocos (Keeling) Islands Territories.

The satellite broadcasters provide a minimum of 9 commercial television channels, mainly drawing on content from the Seven, Nine and Ten networks.

Eligibility for VAST

Viewers wanting to receive FTA commercial services through VAST need to meet certain requirements to access the service. This arrangement is called 'conditional access'.

To meet the requirements for access to FTA television commercial services through VAST, a household must be located in either:

- a remote television licence area (other than certain areas in remote Western Australia known as Category D reception areas)
- a regional or metropolitan licence area, or a Category D reception area, but in a place where reliable reception of terrestrial TV reception is not possible
- a declared service-deficient area.

Declaring an area to be service-deficient

Under subsection 130ZH(1) of the BSA, we must declare an area to be service-deficient if:

- we are satisfied that the number of commercial broadcasting television services in the area is 'deficient'
- the area is within a terrestrial licence area

- that terrestrial licence area is wholly or partly included in the licence area of a section 38C commercial television licensee.

The effect of making the declaration is that the residents in the area will be eligible to access the VAST service to receive television broadcasting services provided by the relevant section 38C licensee by satellite.

The services that viewers receive from VAST may differ to the services in their local area. For instance, programming may be on a different time zone, and the news services and the advertisements on the commercial services may not be catered to their local area.

Access to VAST

VAST access to FTA television commercial services is restricted by a smart card system managed by the commercial broadcasters. There are no restrictions on access to the VAST services of the ABC and SBS.

To access VAST, viewers require satellite reception equipment (a roof-top satellite dish) and, for each television set, an authorised VAST set-top box.

Installation is usually carried out by a professional satellite dish installer, but self-installation kits – including a VAST set-top box with recording capability, a satellite dish, cables and a roof mount – are available for purchase.

Viewers are responsible for the costs associated with the set-top box and installation. There are no subscription fees or other ongoing costs to access the VAST service.

Viewers who already have a subscription satellite service¹ may not need an additional satellite dish, but further information should be sought from a qualified antenna installer.

To apply for VAST access at home:

- Go to [VAST administrator's website at MySatTV](#) and select 'Satellite Decoder Registration'. This will take you to the mySwitch website.
- In the [mySwitch website](#), type in your address and select the 'Find out more' option under the Satellite Summary (VAST) boxes. Follow the steps to apply.

¹ Some subscription television providers may provide access to FTA services in addition to the subscription package.

Declaring the Mildura/Sunraysia TV1 licence area

We are considering whether the number of commercial television broadcasting services that are provided terrestrially in the Mildura/Sunraysia TV1 licence area is 'deficient' under paragraph 130ZH(1)(a) of the BSA.

The Mildura/Sunraysia TV1 licence area otherwise satisfies paragraphs 130ZH(1)(b) and (c) of the BSA. It is wholly within a terrestrial licence area (Mildura/Sunraysia TV1). That terrestrial licence area is wholly within the South Eastern Australia TV3 licence area, which is the licence area of a section 38C licensee (Eastern Australia Satellite Broadcasters Pty Ltd).

In these circumstances, if we are satisfied that the number of commercial television broadcasting services is deficient, we must declare the Mildura/Sunraysia TV1 licence area to be a service-deficient area.

The Mildura/Sunraysia TV1 licence area is described in [Attachment A](#) and mapped in [Attachment B](#).

On 30 June 2024, MDT stopped broadcasting the Network Ten commercial television broadcasting services in Mildura. MDT surrendered its commercial television broadcasting licence on 1 July 2024.

Since this time, viewers in Mildura have not been able to receive the Network Ten commercial television broadcasting services via terrestrial FTA transmission.

Network Ten content is still available via the 10 Play app for viewers in the Mildura/Sunraysia TV1 licence area with a good internet connection.

Matters taken into account

In deciding whether the number of services provided terrestrially in the Mildura/Sunraysia TV1 licence area is deficient, we consider paragraphs 130ZH(2)(a), (b), (c), and (d) of the BSA. We have set out our understanding of the facts relevant to these matters below:

(a) the current applicable terrestrial digital commercial television broadcasting services provided to persons in:

- (i) the Mildura/Sunraysia TV1 licence area; and
- (ii) other licence areas;

The Network Seven commercial television broadcasting services (7, 7 HD, 7 two, 7 mate, 7 bravo, 7 flix) and the Network Nine commercial television broadcasting services (9, 9HD, 9 GEM, 9 Go, 9 Life) are available terrestrially in the Mildura/Sunraysia TV1 licence area. The Network Ten commercial television broadcasting services are not available terrestrially in that licence area.

In all or part of all other commercial television licence areas in Australia, the Network Ten commercial television broadcasting services are available terrestrially, in addition to the Network Seven and the Network Nine services. In some parts of some licence areas, no commercial television services are available terrestrially (primarily sparsely populated and remote areas).

(b) the history of such services having been provided to persons in the Mildura/Sunraysia TV1 licence area;

Until 30 June 2024, the Network TEN commercial television broadcasting services had been available in the Mildura/Sunraysia TV1 licence area. Digital television commenced terrestrial transmission in the licence area in 2010.

(c) the extent to which there has been a reduction in the number of such services provided to persons in the Mildura/Sunraysia TV1 licence area;

Prior to 1 July 2024, we understand that viewers in the licence area received 14 commercial television broadcasting services terrestrially,² including the Ten primary service. Since 30 June 2024, we understand those viewers now receive 11 commercial television broadcasting services.³

(d) any other matters that the ACMA considers relevant.

Section 130ZH of the BSA was amended on 10 December 2024 by the *Communications Legislation Amendment (Regional Broadcasting Continuity) Act 2024*. The Explanatory Memorandum to the Bill for that Act states that the amendments to section 130ZH were to:

Ensure that viewers have the opportunity to access VAST, should they wish to do so, in the circumstances where a commercial television network is no longer provided terrestrially in the relevant area.

The Minister for Communications, in her second reading speech for that Bill, stated that the changes were designed so that 'viewers in Mildura will have the option of accessing' VAST, given that MDT had ceased to provide the Network Ten commercial television broadcasting services.

² We understand from information provided in television guides for Mildura that the terrestrial commercial broadcasting television services available in Mildura/Sunraysia TV1 on 30 June 2024 were: 10HD, 10 Bold, 10 Peach, 9, 9HD, 9 GEM, 9 Go, 9 Life, 7, 7 HD, 7 two, 7 mate, 7 bravo and 7 flix. Commercial television broadcasting licensees are permitted to provide multiple channels under their licences and are not required to advise us of the individual channels they provide. We have counted high definition (HD) simulcasts of standard definition (SD) services as separate services.

³ We understand from information provided in television guides for Mildura that the terrestrial commercial broadcasting television services available in Mildura/Sunraysia TV1 from 1 July 2024 are: 9, 9HD, 9 GEM, 9 Go, 9 Life, 7, 7 HD, 7 two, 7 mate, 7 bravo and 7 flix.

Invitation to comment

Making a submission

We invite comments on the matters set out in this consultation paper.

- [Online submissions](#) can be made by uploading a document. Submissions in PDF, Microsoft Word or Rich Text Format are preferred.
- Submissions by post can be sent to:
The Manager
Broadcasting Carriage Policy Section
Australian Communications and Media Authority
PO Box 78
Belconnen ACT 2616

The closing date for submissions is **COB, 21 February 2025**.

Consultation enquiries can be emailed to bcp@acma.gov.au.

Publication of submissions

We publish submissions on our website, including personal information (such as names and contact details), except for information that you have claimed (and we have accepted) is confidential.

Confidential information will not be published or otherwise released unless required or authorised by law.

Privacy

View information about our policy on the publication of submissions, including collection of personal information during consultation and how we handle that information.

Information on the Privacy Act 1988, how to access or correct personal information, how to make a privacy complaint and how we will deal with any complaints, is available in our [privacy policy](#).

Attachment A: Mildura/Sunraysia TV1 licence area

1 Use of census data terms

In this Attachment:

CD means the Collection District statistical unit.

RC means the Rural City statistical unit.

SLA means the Statistical Local Area statistical unit.

statistical units means the Australian Standard Geographical Classification areas used by the Australian Bureau of Statistics at the census of 8 August 2006.

Note: Information about the Australian Standard Geographical Classification is available from the Australian Bureau of Statistics website, at <http://abs.gov.au>.

2 Mildura/Sunraysia TV1 licence area

The Mildura/Sunraysia TV1 licence area comprises the following statistical units:

Area Description	Area Description	Area Description
Mildura (RC) - Pt A (SLA)	NSW CD 020710	VIC CD 010307
Swan Hill (RC) - Robinvale (SLA)	NSW CD 020711	VIC CD 010308
NSW CD 010104	NSW CD 020712	VIC CD 010309
NSW CD 010107	NSW CD 020713	VIC CD 010310
NSW CD 010108	NSW CD 020801	VIC CD 011401
NSW CD 020701	NSW CD 020803	VIC CD 011404
NSW CD 020705	NSW CD 020804	VIC CD 011405
NSW CD 020706	NSW CD 020805	VIC CD 011406
NSW CD 020707	VIC CD 010104	VIC CD 011407
NSW CD 020708	VIC CD 010112	VIC CD 011408
NSW CD 020709	VIC CD 010304	

Note: The Mildura/Sunraysia TV1 licence area includes the following "general areas served": Mildura/Sunraysia, Ouyen, Robinvale and Underbool.

Attachment B: Mildura/Sunraysia TV1 licence area map

